

**Appeal brought on 28 December 2007 by Carlos Sanchez Ferriz and Others against the judgment of the Civil Service Tribunal delivered on 17 October 2007 in Case F-115/06, Sanchez Ferriz and Others v Commission**

(Case T-492/07 P)

(2008/C 64/77)

*Language of the case: French*

**Parties**

*Appellants:* Carlos Sanchez Ferriz (Brussels, Belgium), Isabelle Chantraine (Brussels), José De Viana Costa Ribeiro (Meise, Belgium), Brigitte Housiaux (Ramillies, Belgium), Chantal Vellemans (Brussels), Sylvie Schaack (Remich, Grand Duchy of Luxembourg), Andrea Losito (Sandweiler, Grand Duchy of Luxembourg), Marie-Josée Gaspar-Lis (Luxembourg, Grand Duchy of Luxembourg), Otálka Ferreira-Nielsen (Gostingen, Grand Duchy of Luxembourg) (represented by F. Frabetti, lawyer)

*Other party to the proceedings:* Commission of the European Communities

**Form of order sought by the appellant**

- Annul the order of the Civil Service Tribunal of 17 October 2007 in Case F-115/06;
- Grant the claims of the applicants at first instance and, accordingly, declare the action in Case F-115/06 admissible and well-founded;
- In the alternative, refer the matter back to the Civil Service Tribunal;
- Rule on the costs and order the Commission to pay the costs.

**Pleas in law and main arguments**

In their appeal, the appellants seek the annulment of the order of the Civil Service Tribunal rejecting as inadmissible their action for, principally, annulment of the list of officials promoted in the 2005 promotion year, in that that list does not include the names of the appellants, and, as a subsidiary plea, annulment of the decisions attributing priority points to them for that year.

In support of their appeal, the appellants submit that, contrary to the findings in the contested order, the general implementing provisions of 26 April 2002, whose unlawfulness was raised at first instance, are directly connected in law to the present dispute.

Furthermore, they claim that the Tribunal erred in law in declaring the complaint alleging breach of the GIP 45 of 23 December 2004 inadmissible because it was raised late at

the stage of the reply. They submit that that complaint had already been mentioned in the claim and in the application, and that the reply merely contains its amplification.

Finally, the appellants submit that, contrary to the findings of the Civil Service Tribunal, they are affected in a concrete manner and individually by the breach of the first paragraph of Article 6 and of Article 10 (2) of Annex XIII to the Staff Regulations and that accordingly their interest in bringing proceedings is clear.

**Action brought on 28 December 2007 — Italy v Commission**

(Case T-494/07)

(2008/C 64/78)

*Language of the case: Italian*

**Parties**

*Applicant:* Italian Republic (represented by: P. Gentili, Avvocato dello Stato)

*Defendant:* Commission of the European Communities

**Form of order sought**

- annul Memorandum No 011140 of 18 October 2007 of the European Commission, Directorate General for Regional Policy — Programmes and projects in Cyprus, Greece, Hungary, Italy, Malta and the Netherlands — concerning payments made by the Commission which differ from the amount requested. Ref: DOCUP Toscana Ob. 2 (No CCI 2000 IT 16 2DO 001);
- annul Memorandum No 011538 of 29 October 2007 of the European Commission, Directorate General for Regional Policy — Programmes and projects in Cyprus, Greece, Hungary, Italy, Malta and the Netherlands — concerning payments made by the Commission which differ from the amount requested. Ref: Programma Operativo Regionale 'Campania' 2000-2006 (No CCI 1999 IT 16 1PO 007);
- annul Memorandum No 011869 of 8 November 2007 of the European Commission, Directorate General for Regional Policy — Programmes and projects in Cyprus, Greece, Hungary, Italy, Malta and the Netherlands — concerning payments made by the Commission which differ from the amount requested. Ref: DOCUP Piemonte 2000-2006 (No CCI 2000 IT 16 2DO 007);